



Geoffrey C. Blackwell, Chief
Office of Native Affairs and Policy
Federal Communications Commission

February 9, 2011

Re: Negotiating purchase of secondary market license/partition license for Tribal Broadband applications

Dear Mr. Blackwell,

In the time Southern California Tribal Chairmen's Association's (SCTCA) Tribal Digital Village (TDV) has been providing broadband Internet access to its people, since 2001, we have always had necessity for the use of secondary market licensed spectrum. The frequencies available in the unlicensed spectrum are insufficient to deploy broadband to all of the locations and unique situations on our Indian reservations. We are comprised of small reservations spread throughout North, East, and South East San Diego County. There is a diverse geography throughout. Most of our reservations reside at the base of or in the mountains of San Diego, posing difficult distribution scenarios to the tribal home.

Nine Years ago, there were little to no carriers that ventured past the city borders in San Diego County. Now, there are a few carriers that have sporadic coverage at best. According to the FCC Spectrum Dashboard, a single major wireless carrier holds the licenses over the county of San Diego in the frequencies that lend themselves to broadband distribution for our areas, and they are currently not using this spectrum in any of our areas, although this is only known because we reside here. There is no tool to show actual spectrum usage by the license holder or the availability of that spectrum for secondary markets.

As you know, tribes are for the mass-majority "unserved" in the access of broadband Internet. Those tribes that are "underserved," a step up from "unserved," have typically taken on the responsibility to provide access to broadband for themselves. This resource is no different to water, electricity and roads, for the purposes of survival in this day and age. If we cannot get telephones and the Internet to our people's homes on our reservations, we will not continue to be able to be self-sufficient.

We have over the years advised several other tribes around the nation in building wireless networks to deploy Internet access to their people. Through our experience here, and through information gathered from other tribal nations, we've come to realize that pursuing a secondary market license for spectrum is unfortunately not a viable solution to solve our problems the way that it is currently structured. There are several tribes that have pursued this and failed. Negotiating these licenses requires too many cost prohibitive steps that lead to negotiations with a group of corporations that have the ability to purchase this spectrum and sit on it, for what has been termed as, "Future Plans." Somehow these "Future Plans" never include the tribes. The

cost of legal representation for discovery, for negotiation, and contracting immediately makes the task more than we can support. Finally, these failed negotiations are all kept private and cloaked in secrecy by these costly legal agreements. What could be potentially good to learn or share about the process is never to be shared, so every new tribe that tries it has to start from scratch and learn the hard way. Every corporation probably has to learn the hard way too about tribes. We have often looked at these opportunities in the past, and have come to realize that they are actually not effective opportunities for tribes.

Presently, for tribes, pursuing a secondary market license is a dead-end business strategy at best. If the FCC could provide better opportunities for tribes to obtain secondary markets licenses, until a time when the FCC can provide more licensing opportunities direct to tribes, it could very well make an impossible strategy currently into an affordable and timely solution to the all-to-often complete lack of broadband internet services.

With the lack of ability to obtain a secondary market frequency, we have turned our efforts to strongly supporting the opening of "whitespaces" into the unlicensed arena, so that we may finally get into the frequency ranges that solve the problems of deployment in our reservation areas. We have recently won a favorable decision making whitespaces available in the reservations in our international border zone, but we still have no device that we can utilize in this spectrum range, and have no clear future of what and when "whitespaces" will actually be available to the individual. Currently, if licensed spectrum were available, with either direct or secondary market opportunities, we believe many different types of affordable wireless projects could be built for and by tribes nationwide. The FCC could see a number of projects at tribes who have struggled with finding a solution for some years now.

Respectfully, tribes need the FCC to step up and make a difference, and to help them by creating new opportunities for them to be self-sufficient. As more tribes become familiar with the communications world and the FCC, until a time when the FCC can provide more licensing opportunities direct to tribes, it would be extremely beneficial to have a better way to negotiate secondary market licensing that is affordable and available.

The tribal nations of the Southern California Tribal Chairmen's Association enjoy their work with your office and the FCC, having been visited on several occasions by FCC Chairmen, Commissioners and officials. If you need any assistance with this or any other matter, please do not hesitate to communicate with us at SCTCA/TDV.

Respectfully,



Matthew R. Rantanen, Director of Technology
Southern California Tribal Chairmen's Association
Tribal Digital Village, Headquartered on Pala Indian Reservation